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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,402

10/24/2005

Axel Huegle

502901-431PUS

4591

27799

7590

05/25/2010

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EXAMINER

EVANISKO, LESLIE J

ART UNIT

PAPER NUMBER

2854

MAIL DATE

DELIVERY MODE

05/25/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/554,402	HUEGLE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Leslie J. Evanisko	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-22 is/are pending in the application.
- 4a) Of the above claim(s) 3-9 and 12-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/24/05 & 03/02/09 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Continued Examination Under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 20, 2010 has been entered.

### **Election/Restrictions**

2. Applicant's election without traverse of Group V, claims 1, 10 and 11, in the reply filed on July 28, 2008 is acknowledged.
3. Claims 3-9 and 12-22 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 28, 2008.

### **Drawings**

4. The replacement sheets of drawings were received on March 2, 2009. These drawings are approved by the Examiner.

**Claim Rejections - 35 USC § 102**

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hügler (also spelled Huegler)-(WO 02/063571 A1). Note that since the WO document is not in the English language, the Examiner has relied upon the equivalent US application publication no 2004/0021763 A1 for a translation of the disclosure. All references below to particular paragraphs are set forth with respect to the text of the U.S. Publication.

With respect to claim 1, Hügler teaches a printer 1 for a tachograph for a motor vehicle comprising a housing 2, a printing unit comprising a print head 19, a media unit (12, 13, 15, and 17) for accommodating the medium 13 which is to be printed, the media unit comprising a carrier 10 and being movable jointly with the carrier, wherein the carrier 10 comprises lateral first guide elements arranged in the manner of a drawer (67, 68) and which interact with second guide elements in such a way that the carrier can moved in a push-in direction (in direction of arrow shown in Fig. 1) and counter to the push-in direction out of the housing, the media unit further arranged to be moved relative to the printing unit in the push-in direction into an operating position and counter to the push-in direction out of an operating position, and further moved at least partly out of the housing,

wherein the print head is configured to move longitudinally together with the printing unit in the push-in direction and the printing unit is configured to be moved in the housing with a movement play, and

wherein means for orienting (62-65) the printing unit with respect to the media unit are provided and arranged such that the printing unit and the media unit are oriented with respect to one another when the media unit is pushed in the push-in direction. Particular attention is invited to Figures 1-6 and paragraphs [0021]-[0029] in particular.

With respect to claim 10, note Hügler teaches the printer includes at least one elastic element 59, 60, 61 arranged to press the printing unit counter to the push-in direction (at least to some extent) with a force such that the force presses the printing unit counter to the carrier when the latter is pushed in, as described in paragraph [0025] and [0028].

With respect to claim 11, note Hügler teaches the elastic element is arranged such that, when the media unit is not in the operating position, the elastic element presses the pressing unit in the housing against stops which limit the movement play, as described in paragraph [0028].

### **Response to Arguments**

7. Applicant's arguments filed January 20, 2010 have been fully considered but they are not persuasive of any error in the above rejection.

In particular applicant argues that Huegle doesn't teach a printing unit comprising a print head, wherein the print head is configured to move longitudinally together with the printing unit in the push-in direction because the print head of Huegle only pivots and does not and cannot move longitudinally together. Applicant argues that the recitation that the print head moves

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longitudinally together with the print unit is unlike the radial movement of the print head and print unit of Huegle and that the claim language is limited to a linear motion component and not a radial motion component.

The Examiner disagrees with this argument for the following reasons. First, the Examiner points out that applicant has not specifically defined in the claims any specific structural relationship between the printing unit and print head that distinguishes over the printing unit/print head arrangement of Huegle. Furthermore, it is the Examiner's position that the language "wherein the print head is configured to move *longitudinally together* with the printing unit" is relatively broad and does not exclude the pivoting or radial movement of the printing unit/print head structure of Huegle as applicant argues. The Examiner maintains that the pivoting movement of the print head/printing unit would inherently create a movement of the printing unit and print head "longitudinally together" in the push-in direction to some extent since at least a portion of the movement during the pivoting action is toward the interior of the housing (i.e., in the push-in direction).

In view of the above reasoning, the Examiner is not persuaded of any error in the above rejections.

### **Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on T-F 8:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Leslie J. Evanisko /  
Leslie J. Evanisko  
Primary Examiner  
Art Unit 2854

lje  
May 23, 2010